

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JACQUELYN WHITE,

Plaintiff,

**DECLARATION OF
ROCCO G. AVALLONE**

- against -

DEPARTMENT OF CORRECTIONAL SERVICES ("DOCS"), NEW YORK STATE, SUPERINTENDENT JOSEPH WILLIAMS, DEPUTY SUPERINTENDENT OF SECURITY NICHOLAS BROCCO (retired), Acting DEPUTY SUPERINTENDENT OF SECURITY SALVATORE MUNAFO, LT. RONALD HAINES, and LT. GEORGE VAN VALKENBURG, LT. ROBERT MURRAY sued in their individual and professional capacity,

Docket No.
08 CV 0993 (JGK) (DCF)

Defendants.

-----X
ROCCO G. AVALLONE, being duly sworn, states the following under penalty of perjury.

1. I am an attorney at law duly admitted to practice in the State and Federal Courts of New York, and associated with the law firm of Cronin & Byczek, LLP, counsel for the Plaintiff, JACQUELYN WHITE, in this matter.

2. This declaration is submitted in support of Plaintiff's Opposition to Defendants' Partial Motion to Dismiss, pursuant to Federal Rule of Civil Procedure 12 (b) (1) and (6). This Declaration is based upon my personal knowledge as counsel for the Plaintiff in this case.

3. Plaintiff submits the annexed document and accompanying Memorandum of Law.

4. In opposition to Defendants' Partial Motion to Dismiss
is:

Exhibit A: Letter dated October 12, 2007 from Cronin & Byczek
to Wilson Ortiz of the N.Y.S. Division of Human
Rights.

Dated: Lake Success, New York
July 30, 2008

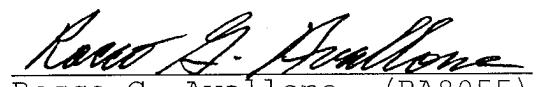

Rocco G. Avallone (RA8055)

Exhibit A

C & B

CRONIN & BYCZEK, LLP

Attorneys and Counselors at Law

The Gateway at Lake Success
1983 Marcus Avenue • Suite C-120
Lake Success, New York 11042
(516) 358-1700 • Facsimile (516) 358-1730
E-Mail: Info@cblawyers.net

LINDA M. CRONIN
CHRISTOPHER S. BYCZEK*

OF COUNSEL
CHRISTOPHER FALCONETTI
DORIS RIOS DUFFY

DOMINICK REVELLINO
ROCCO G. AVALLONE**

HOWARD GREENWALD

*MEMBER OF NY AND FL BAR
**MEMBER OF NY AND CT BAR

October 12, 2007

Mr. Wilson P. Ortiz
Acting Regional Director
New York State Division of Human Rights
Adam Clayton Powell State Office Building
163 West 125th Street, Room 415
New York, New York 10027

RE: Jacquelyn White
Case No. 10112526
Federal Charge No. 16GA603651

Dear Mr. Ortiz:

Please be advised that this office has been retained to represent Jacqueline White in her litigation against the New York State Department of Corrections. Ms. White has filed a complaint through your agency.

Please let this letter serve as a formal request for a copy of Ms. White's complete file maintained by your office.

Thank you for your prompt attention herein. Should you have any questions, please feel free to contact the undersigned.

Sincerely yours,



Linda M. Cronin

LMC\rah

STATE OF NEW YORK, COUNTY OF NASSAU : SS.

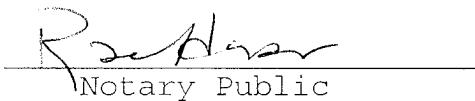
SHERYL SERRANO, being duly sworn, deposes and says:

That I am not a party to the within action, am over 18 years of age and reside at Hicksville, New York. That on the 30th day of July 2008, I served a true copy of the DECLARATION OF ROCCO G. AVALLONE WITH EXHIBIT AND MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' PARTIAL MOTION TO DISMISS PLAINTIFF'S COMPLAINT in the following manner: via regular mail addressed to the last known address of the addressee as indicated below:

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorneys for Defendants
120 Broadway, 24th Floor
New York, New York 10271
Attn.: Julinda Dawkins, AAG


SHERYL SERRANO

Sworn to before me this
30th day of July 2008



Notary Public

ROSEMARY A. HORAN
Notary Public, State of New York
No. 01HO5076305
Qualified in Nassau County
Commission Expires 4/21/2011

Index No.

08CV0993

Year 20

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- against -

DEPARTMENT OF CORRECTIONAL SERVICES ("DOCS"), NEW YORK STATE,
SUPERINTENDENT JOSEPH WILLIAMS, et al.,

Defendants.

DECLARATION OF ROCCO G. AVALLONE WITH EXHIBIT "A"

Cronin & Byczek, LLP
1983 Marcus Avenue – Suite C120
Lake Success, New York 11042
(516) 358-1700

*To:**Attorney(s) for**Service of a copy of the within**is hereby admitted.**Dated:**Attorney(s) for*

PLEASE TAKE NOTICEthat the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

NOTICE OF
ENTRYthat an Order of which the within is a true copy will be presented for settlement to the Hon.
one of the judges of the within named Court,NOTICE OF
SETTLEMENT at

on

20 , at

M.

Dated:

Cronin & Byczek, LLP
1983 Marcus Avenue – Suite C120
Lake Success, New York 11042
(516) 358-1700

To: